

Report Date: August 25, 2015

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 26, 2015

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James E Mulvaney

Case Number: 0980 2:09CR00015-EFS-7

Address of Offender: [REDACTED] East Wenatchee, Washington 98802

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: October 21, 2010

Original Offense: Conspiracy to Distribute 100 Kilograms or More of Marijuana, 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(B)(vii)

Original Sentence: Prison 18 months; TSR - 48 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Russell E. Smoot Date Supervision Commenced: September 6, 2013

Defense Attorney: John Stephen Roberts, Jr. Date Supervision Expires: March 14, 2016

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 12/30/2014, 02/06/2015, 02/12/2015 and 04/14/15.

The probation officer believes the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

12 **Mandatory Condition #2:** The defendant shall not commit another federal, state, or local crime.

Supporting Evidence: The defendant was arrested on January 14, 2014, and charged with driving while under the influence and hit and run attended vehicle, in Chelan County District Court, Wenatchee, Washington, case number C00083920.

The report from the East Wenatchee Police Department indicates a vehicle was traveling at a high rate of speed and struck another vehicle. The victim stated she followed the vehicle that struck her car to Fourth Street in East Wenatchee, which is a dead end street. While following the vehicle, she observed the vehicle was swerving on the roadway. The defendant was contacted by local law enforcement at his residence located on Fourth Street, East Wenatchee, Washington. The officers entered the home and contacted Mr. Mulvaney who resisted arrest and was handcuffed. He was then placed into a patrol vehicle. One of the officers noted a strong odor of intoxicants coming from the defendant and his eyes were watery and bloodshot and he spoke with a heavy tongue.

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Mr. Mulvaney was arrested for driving while under the influence of alcohol and or drugs and hit and run attended. After receiving his Miranda warning Mr. Mulvaney declined to speak with the officers. He refused to sign the implied consent warning for breath form and refused to complete a Breathalyzer.

On February 24, 2015, James E. Mulvaney plead guilty to first degree negligent driving in the Chelan County District Court, cause number 00083920. The statement of the offender on the guilty plea indicates: "On January 9, 2014, I drove in the City of Wentachee in a manner that damaged property while exhibiting the effects of having consumed alcohol." He was sentenced to 15 days jail, with 2 years of probation to follow. The fine and court costs totalled \$1,195.50. Additionally, there were multiple conditions of supervision imposed. The driving while under the influence and the hit and run attended motor vehicle charges were dismissed at sentencing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 25, 2015

s/Stephen Krous

Stephen Krous
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other If possible prior to scheduled hearing tomorrow.



Signature of Judicial Officer

August 26, 2015

Date